



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

001127,003 06/29/98 WHITE

C MS1-16008

022801 LM02/0926
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

EXAMINER

VILN

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

09/26/00

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RA

Office Action Summary

Application No.
09/107,083

Applicant(s)

White

Examiner

Ngoc Vu

Group Art Unit
2711



☒ Responsive to communication(s) filed on Jul 3, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-5, 7-29, and 31-36 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-5, 7-19, 29, and 31-33 is/are allowed.

☒ Claim(s) 20-28 and 34-36 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2711

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 20-28 and 34-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-28 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,583,560) in view of Bruck et al (US 6,008,836).

Regarding claims 20, Florin et al discloses a method comprising steps: generating a primary display screen 381 having multiple small display screens, each small screen corresponding to a recently selected channel (nearest to the last selected program) ; and applying a "focus" to one of the small display screens to designate the active one 380 and containing a currently selected television channel 375 and to differentiate the active small display screen from

Art Unit: 2711

remaining ones of the small display screens (see FIGS 33-34 and column 20, lines 43-68 and column 21, lines 1-7). Florin fails to teach displaying the primary display screen through a web browser. However, Bruck discloses that the present invention is included in a system known as WebTV which uses a standard television set as a display device for browsing the Web, and the present invention includes steps for implementing a Web browser that allows a user to set the display controls on his/her display device to display Web pages obtained from the www or built-in to the web browser or service (see column 4, lines 31-33 and 12-18). Therefore, it would have been obvious to one of ordinary skill in the art to modify Florin et al including displaying the television channels via web browser in order to provide high picture quality and allow viewers easily control viewing setting.

Regarding claim 21, Florin is modified by Bruck further discloses the step of enlarging the active small display screen to full screen mode and removing the remaining small display screens. For instance, the user presses the select button 155 for displaying the current selected program in full screen, and presses the pix button 144 a second time causing the pix display 381 to disappear and the current selected program appears in full screen (see Fig 34, column 13-17).

Regarding claim 22, Florin is modified by Bruck further discloses a method comprising the steps of: generating a highlight box to enclose the active small display screen (see FIG 34, col 21, lines 3-7); and moving the highlight box from the active small display screen to a second small display screen to render active the second small display screen and to de-select the active small display screen (see column 21, lines 3-13).

Art Unit: 2711

Regarding claim 23, Florin is modified by Bruck further discloses the following steps of displaying a live television broadcast in the active small display screen 365, and displaying "still images" (icon) of corresponding channels (programs) 315, 317 in the remaining small display screen. (See Fig. 29 and column 19, lines 1-12).

Regarding claim 24, Florin is modified by Bruck further discloses the step of updating the programs (see column 11, lines 5-14).

Regarding claim 25, Florin is modified by Bruck further discloses the step of updating the programs in response to activation of button 140 on a remote control (see Figures 28-29 and column 11, lines 5-14 and column 18, lines 57-61).

Regarding claim 26, Florin discloses a method comprising steps: generating a primary display screen 381 having multiple small display screens, each small screen corresponding to a recently selected channel (nearest to the last selected program) (see column 20, lines 43-68); and displaying "still images" (icon) of corresponding channels (programs) 315, 317 in the remaining small display screen. (See Fig. 29 and column 19, lines 1-12). Florin fails to teach displaying the primary display screen through a web browser. However, Bruck discloses that the present invention is included in a system known as WebTV which uses a standard television set as a display device for browsing the Web, and the present invention includes steps for implementing a Web browser that allows a user to set the display controls on his/her display device to display Web pages obtained from the www or built-in to the web browser or service (see column 4, lines 31-33 and 12-18). Therefore, it would have been obvious to one of ordinary skill in the art to

Art Unit: 2711

modify Florin et al including displaying the television channels via web browser in order to provide high picture quality and allow viewers easily control viewing setting.

Regarding claim 27, Florin is modified by Bruck further discloses the step of updating the programs (see column 11, lines 5-14).

Regarding claim 28, Florin is modified by Bruck further discloses the following steps of displaying a live television broadcast in the active small display screen 365 (see Fig. 29 and column 19, lines 1-12).

Regarding claim 34, see claim 20 above.

Regarding claim 35, see claim 26 above.

Regarding claim 36, Florin et al discloses in a set-top box capable of receiving and presenting both television and web content (on-line services) on a television (see column 23, lines 46-53 and Fig. 44-50), a user interface executing on the television comprising a primary display screen 381 having multiple small display screens, each small display screen corresponding to a channel recently selected (nearest to the last selected program) by a user (column 20, lines 43-68), the user interface also having a movable focus 380 to designate one of small display screens from remaining ones of the small display screens 381 (see FIGS 33-34 and column 20, lines 43-68 and column 21, lines 1-7). Florin fails to teach displaying the primary display screen through a web browser. However, Bruck discloses that the present invention is included in a system known as WebTV which uses a standard television set as a display device for browsing the Web, and the present invention includes steps for implementing a Web browser

Art Unit: 2711

that allows a user to set the display controls on his/her display device to display Web pages obtained from the www or built-in to the web browser or service (see column 4, lines 31-33 and 12-18). Therefore, it would have been obvious to one of ordinary skill in the art to modify Florin et al including displaying the television channels via web browser in order to provide high picture quality and allow viewers easily control viewing setting.

Allowable Subject Matter

5. Claims 1-5, 7-19, and 29-33 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of record fails to show or fairly suggest a method of displaying recently assessed television channels comprising the following steps: determining whether a television channel has been recently selected by a user; adding the television channel to a list of selected channels if the television channel was determined to be recently selected; generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels; and displaying the primary display screen on a television through a web browser program.

Conclusion

Art Unit: 2711

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Legall et al (US 6,005,565) teaches an integrated search of electronic program guide, Internet and other information resources.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Vu whose telephone number is (703) 306-5976. The examiner can normally be reached on Monday-Thursday.

Art Unit: 2711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

NV
September 21, 2000


Nathan Flynn
Primary Examiner